

# ***DRAFT***

## **Wisconsin Administrative Code NR 20.40**

### **NR 20.40 Fishing tournaments.**

#### **(1) DEFINITIONS. In this section:**

(a) "Aquatic invasive species" has the meaning in NR 198.12(1).

(~~a~~b) "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary intent purpose, and where prizes or incentives are awarded which, in total, have a value of more than \$500, where the total number of participants is greater than 40 individuals or 20 boats, where the waters to be fished are identified by name by the sponsor, and where participants are required to fish on the same dates.

(c) "Immediate-release tournament" means a fishing tournament where fish caught by participants are not reduced to possession and transported, but are held only long enough for identification and measurement of length or weight, and released to the water from which they came.

(d) "Live-release tournament" means a fishing tournament where fish caught by participants are reduced to possession and transported, usually for purposes of recording, and live fish are then released to the water from which they came.

(e) "Off-site weigh-in" means a weigh-in of fish caught in a live-release tournament at a location that is not on the shoreline or adjacent to the waters listed on the fishing tournament permit where fish are transported by vehicle over land.

(f) "Permitted fishing tournament" means a fishing tournament that requires a permit from the department.

(g) "Permitted fishing tournament boat days" is a measure of tournament fishing pressure for open water permitted fishing tournaments that is calculated by multiplying the number of boats participating in an open water permitted fishing tournament by the length of that open water permitted fishing tournament in days.

(~~h~~i) "Person" means any individual, partnership, association, organization or body politic or corporate.

(i) "Possess" means to own, control, restrain, transport, or keep. Once a fish is possessed, it must be counted towards the anglers daily bag limit pursuant to s. NR 20.05(7). Any of the following conditions constitute possession:

1. Holding a fish out of the water longer than necessary to remove hooks.

2. Placing a fish into a live well except to revive a fish or avoid imminent danger.

3. Holding a fish at boat side for longer than necessary to register and revive the fish.

4. Transportation of a fish other than to avoid imminent danger.

5. Inability of a fish that meets state length limits set forth in s. NR 20.20 to swim away upright under its own power.

6. Resuming fishing by any angler in the boat prior to the release of the fish.

(~~j~~) "Sponsor" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in

advertising or publicizing another person's fishing tournament. "Sponsor" also means to advance, conduct, direct, establish, organize, promote or otherwise be responsible for the operation of a fishing tournament.

(k) "Traditional fishing tournament" means a fishing tournament that was issued permits four out of five years from 2002 to 2006, for the same water or waters and time period. Beginning January 1, 2007, traditional fishing tournaments must continue to be conducted at least four out of five years for the same lake and time period to remain a traditional fishing tournament.

(L) "Weigh-in" means a registration process for live-release fishing tournaments by which fish are measured.

**(2) PERMIT REQUIRED.** No person may sponsor or participate in a fishing tournament ~~without first obtaining a permit from the department~~ for which a permit has not been approved unless exempted under sub 3. A person must obtain a permit from the department to sponsor a fishing tournament if one or more of the following apply:

(a) For fishing tournaments on lakes, rivers, the Great Lakes, Wisconsin-Minnesota boundary waters as defined in NR 21.02(16), Wisconsin-Iowa boundary waters as defined in NR 22.02(14), where the number of boats is 20 or more, or where the number of participants is 100 or more.

(b) The fishing tournament includes any trout species on waters classified as trout streams under NR 1.02(7).

(c) The fishing tournament is a live release tournament with an off-site weigh-in.

(d) The total prize value is \$10,000 or greater.

**(3) EXEMPTIONS.** A person may sponsor a fishing tournament without a permit from the department provided the event does not meet any of the requirements in sub. (2) or the department determines the event will not cause user or public access conflicts because participation is not limited to a short time period, or the department determines the event will not cause user or public access conflicts because participants are not limited to a small number of waters.

**(34) APPLICATION.** ~~A person who wishes to sponsor a fishing tournament requiring a permit from the department shall apply to the department for a permit on forms available from the department. The application shall be submitted no sooner than one calendar year before the starting date of the tournament and no later than 30 days before the starting date of the tournament.~~

(a) Permit applications shall specify an individual who is responsible for supervising the tournament to ensure compliance with all tournament permit conditions and regulations.

(b) Applicants for a fishing tournament consisting of fewer than 50 boats or 100 participants shall pay a \$25.00 non-refundable permit application fee upon submission of the application.

(c) Applicants for a fishing tournament consisting of 50 boats or more but less than 100 boats, or 100 participants or more but less than 300 participants shall pay a \$75.00 non-refundable permit application fee upon submission of the application.

(d) Applicants for a fishing tournament consisting of 100 boats or more or 300 participants or more shall pay a \$150.00 non-refundable permit application fee upon submission of the application.

(e) There is no application fee for a fishing tournament permit where all participants are younger than 18 years old or are developmentally or physically disabled.

NR 20.40 - ANNOT.

Note: Application forms may be obtained at no charge from department service centers and regional offices.

**(5) ACTION ON PERMIT APPLICATIONS PROCESS.**

(a) The department shall act on fishing tournament permit applications no later than 10 business days following receipt of a complete application.

(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub. (8).

(a) Beginning August 1 each year, the department shall accept permit applications for fishing tournaments to be held in the following year.

(b) If the number of permit applications received by the department from August 1 through the last Friday in September exceeds the limits specified in subs (7) and (8), the department shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the department shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subs. (7) and (8).

(c) After the deadline to change applications as provided under (b), the department shall conduct a drawing for all locations and time periods for which applications exceed limits established in subs (7) and (8). Traditional fishing tournaments are not included in a drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water. Only one permit application per sponsor will be included in a drawing for the same location and time period.

(d) The department shall by November 7 approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in September.

(e) The department may approve a permit application that is received after 4:30 p.m. on the last Friday in September if approving the application would not result in exceeding the limits in subs. (7) and (8) and the application is received at least 30 days prior to the start of the tournament.

(6) COMPLIANCE. All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified or expelled from the tournament by the sponsor. The department may impose penalties under sub. (8) and take other appropriate enforcement action against the violating participant.

(a) All participants in a permitted tournament shall comply with all provisions of the permit.

(b) In the event that a participant fails to comply with the permit, the violating participant shall promptly be disqualified and expelled from the tournament by the sponsor.

(c) All sponsors of a permitted fishing tournament shall comply with all permit terms and conditions and the rules of this section and shall take adequate measures to ensure that all participants comply with all provisions of the permit.

(d) The department may impose penalties under sub. (12) and take other appropriate enforcement action against the violating participant or sponsor.

**(7) LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS.** The size and number of open water permitted fishing tournaments allowed each month on a water body shall not exceed the following limits:

(a) Lakes:

<u>LAKE OR LAKE CHAIN SIZE (ACRES)</u>	<u>MAXIMUM NUMBER PERMITTED OPEN WATER FISHING TOURNAMENT BOATS</u>	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENT BOAT DAYS</u>	<u>MAXIMUM NUMBER PERMITTED ICE FISHING TOURNAMENT PARTICIPANTS</u>	<u>MAXIMUM NUMBER OF CONCURRENT PERMITTED FISHING TOURNAMENTS</u>
1. Less than 100	<u>0</u>	<u>0</u>	<u>100</u>	<u>0</u>
2. 100 – 449	<u>25</u>	<u>100</u>	<u>250</u>	<u>1</u>
2. 450 – 999	<u>50</u>	<u>450</u>	<u>500</u>	<u>1</u>
3. 1,000 – 4,999	<u>125</u>	<u>1,125</u>	<u>1000</u>	<u>2</u>
4. 5,000 – 9,999	<u>150</u>	<u>2,400</u>	<u>1500</u>	<u>2</u>
5. Larger than 10,000	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>

(b) Fishing tournaments on lakes or lake chains smaller than 100 acres may be permitted if the department finds that the tournament will:

1. Provide economic benefits to the local area; and
2. Promote public awareness of fishing and the state's resources; and
3. Conform to best management practices for the lake; or
4. Is a traditional fishing tournament.

(c) All of the following shall apply to fishing tournaments permitted for any combination of lakes within a chain of interconnected lakes:

1. Acreage of individual lakes within a chain of interconnected lakes shall be summed for use in determining monthly maximums established in sub. (7)(a).
2. The interconnected lakes permitted shall be navigable, as determined by the department, by water using the boats or vehicles of tournament participants at the time of the tournament without any assistance, including but not limited to, navigational locks.

(d) For boundary water lakes, the limits on the number of permitted fishing contests shall be determined based on the Wisconsin acreage.

(e) Rivers:

	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENTS PER MONTH</u>
<u>1. Mississippi River: pool 3; 5; 5A; 6; 7; 8; 9; 10; 11; 12; 13</u>	<u>4 (each pool)</u>
<u>2. Mississippi River: Pool 4</u>	<u>5</u>
<u>3. Lake St. Croix; Lake Wisconsin (including the Wisconsin River from the Prairie du Sac dam upstream to the Wisconsin Dells dam), Castle Rock Flowage (including the Wisconsin River from the Castle Rock dam upstream to the Petenwell dam), Petenwell Flowage (including the Wisconsin River from the Petenwell Dam upstream to the Nekoosa dam).</u>	<u>4 (each)</u>
<u>4. Wisconsin River Flowage (including the Wisconsin River from the Stevens Point dam upstream to the Dubay dam), Lake Dubay (including the Wisconsin River from the Dubay dam upstream to the Mosinee dam); Rhinelander Chain (including Boom Lake, Rhinelander Flowage and Thunder Lake T38N R10E S11)</u>	<u>3 (each)</u>
<u>5. St. Croix River, Wisconsin River (including the Biron Flowage, Portage and</u>	<u>2 (each permitted segment)</u>

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Wood Counties; Mosinee Flowage, Marathon County; Lake Wausau, Marathon County; Alexander and Alice lakes, Lincoln County), Fox River, Wolf River

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5. Fishing tournament waters identified in the permit for Mississippi River pools are limited to no more than three pools where each pool is separated by a lock and dam.

6. Fishing tournament waters for Lake St. Croix shall be restricted to the waters between the US HWY 10 bridge at Prescott upstream to the Acola Bar.

7. Other Rivers. No more than two permitted fishing tournaments, not to exceed four days combined, may be issued for any permitted segment of a river per month.

(8) ADDITIONAL FISHING TOURNAMENT PERMITS. Notwithstanding the limits in sub 7, the department may allow one additional permit each year for fishing tournaments on lakes greater than 1,000 acres or river segments identified by the department. For additional fishing tournaments permitted under this subdivision, the fishing tournament permit applicant must demonstrate to the department that the tournament will:

(a) Provide economic benefits to the local area; and

(b) Promote public awareness of fishing and the state's resources; and

(c) Conform to best management practices for the lake; or

(d) Is a traditional fishing tournament.

(9) DISPOSITION OF DEAD FISH. The department shall require each applicant to provide a written plan for the disposition of any dead fish resulting from the fishing tournament.

**(610) GENERAL PROVISIONS AND PERMIT CONDITIONS.**

(a) No person may sponsor fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(a) The department may deny an application for a fishing tournament permit upon determination that the body of water, they fish or other aquatic resources will be substantially harmed by the concentration of fishing activity engendered by the incentives of a fishing tournament.

(b) No person may sponsor a fishing tournament for a particular species of fish on the opening weekend of any fishing season for that species on any water subject to the opening on the three-day Memorial Day weekend, Fourth of July or three-day Labor Day weekend unless it is a traditional fishing tournament.

(c) The department may require the tournament sponsor to provide a plan outlining alternative parking for fishing tournament participants in order to ensure reasonable public access to the water where the permitted fishing tournament is being conducted.

(d) For open water permitted fishing tournaments participants' boats must be identified the same way in a manner that makes them easily identifiable on the water as fishing tournament participants and the method for identification must be provided to the department.

Note: Plastic flagging on a boat's trolling motor or antennae is an example of adequate identification.

(e) Restrictions on immediate-release tournaments.

1. In immediate-release tournaments participants shall:

a. Possess a “cradle” or landing net of sufficient size to allow a fish to remain upright in the water at boat side.

b. Hold fish in a cradle or net in the water at boat-side and fish should not be boated except as absolutely necessary to remove hooks, measure, or avoid eminent danger. A fish may be placed in a live well for revival as long as it is not transported, other than in sub c., and no angler resumes fishing.

c. Not transport the fish except within the immediate vicinity of the capture site to avoid eminent danger and to facilitate a quick and safe release of the fish.

d. Upon landing a fish, immediately initiate the official tournament registration process.

e. Successfully release the fish, as indicated by the capability of the fish to swim away upright under its own power, prior to resuming fishing.

(f) Restrictions on live-release tournaments.

1. No person may sponsor a live-release tournament for muskellunge, northern pike, sturgeon, or trout with an off-site weigh-in.

2. No person may sponsor a live-release tournament unless fish holding equipment and fish handling procedures meet the following standards:

a. Boats used by all participants in the tournament are equipped with live wells that are demonstrated to the tournament sponsor as functioning properly prior to an angler fishing as part of the fishing tournament.

b. If utilized, on-shore holding tanks used to hold fish during the weigh-in process shall have the capacity sufficient to hold at least 1 gallon of water per pound of fish held.

c. The holding tanks on shore shall be equipped with aeration or oxygenation systems that maintain the dissolved oxygen at 5 ppm or higher.

d. The water temperature in holding tanks on shore shall not be more than 5 degrees Fahrenheit warmer than the surface water temperature of the body of water permitted at the time of weigh-in.

e. If fish need to be carried over land to the weigh-in, they shall be transported in water-filled bags from the boat’s live well directly to the tournament official or to the on-shore holding tank. Fish may not be held in water-filled bags longer than five minutes.

f. Fish may be transported directly from the boat’s live well to the tournament official in a basket only if fish are not held out of the water longer than one minute.

g. Fish shall be held in live wells while anglers wait to weigh-in their catch.

5. No person may sponsor a live-release tournament with an off-site weigh-in unless fish holding equipment and fish handling procedures meet the standards in sub (e)2. and the department provides written approval of the off-site weigh-in facility and procedures.

6. The department may include the following permit conditions for permitted live-release tournaments when it determines that environmental conditions are not conducive to survival of fish intended for release and the release may constitute unreasonable waste of natural resources under the provisions of s. 23.095 (1), Stats:

a. The department may require harvest or immediate-release of fish.

b. The department may restrict the area that may be fished by fishing tournament participants to reduce the time and distance during which fish are held in live wells.

c. The department may require re-distribution of released fish.

7. The department may modify or revoke a fishing tournament permit at any time to protect significant natural resources. Examples of situations include, but are not limited to:

a. Presence of a fish disease.

b. Unusual and potentially detrimental water quality, such as high water temperature or low dissolved oxygen.

c. Unusual weather event.

(fg) All permits for fishing tournaments shall:

1. Identify areas where competitive fishing is prohibited for the following reasons:

a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway, and

b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.

~~2. Specify the method for fish holding and release for tournaments where fish are reduced to possession, usually for purposes of recording, and live fish are then released to the water from which they came.~~

~~3. Contain provisions for other than live release of fish when the department determines that weather conditions and water temperature are not conducive to survival of fish intended for release and the release may constitute malicious waste of natural resources under the provisions of s. 23.095 (1), Stats.~~

2. Prior to the tournament, fishing tournament sponsors shall inform all tournament participants of procedures recommended by the Department to clean and decontaminate boats and equipment of aquatic vegetation and invasive species.

~~43.~~ Prohibit the use of tagged fish, except when approved by the department to enhance collection of data for management purposes as part of a scientific study, or when tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.736, Stats., and s. NR 19.05.

(gh) Pursuant to s. NR 20.05 (7), any fish taken into ~~actual~~ possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(~~hi~~) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.

(~~ij~~) Except for tournaments on the Great Lakes, the fishing portion of any live release tournament may not run for more than 10 consecutive hours each day or more than ~~3~~ 4 consecutive days.

(~~jk~~) The fishing portion of tournaments on the Great Lakes is not limited.

~~(7 11)~~ **REPORTING.** Each sponsor shall report the results of the sponsor's tournament and other information which the department deems necessary on forms available from the department no later than 30 days following the last day of the tournament.

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Note: Reporting forms will be issued with permits.

**(812)** PENALTIES. In addition to any penalties provided by law, the department shall, for a period of 2 years from the date of violation, deny any ~~tournament~~ fishing tournament permit application submitted by a person it determines failed to comply with a tournament fishing permit or with a rule relating to tournament fishing.

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